



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,083	09/13/2000	Timo Kauhanen	PM 271467	6680

909 7590 02/02/2007
PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
----------	--------------

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/600,083

Applicant(s)

KAUHANEN ET AL.

Examiner

Huy D. Nguyen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17, 22 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-21, 23 and 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/26/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., multicall, where multicall refers to two or more independent and simultaneous calls to/from a single mobile station) is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 18, 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bradshw, Jr. (U.S. Patent No. 6,608,820).

Regarding claims 1, 18, 27-28, Bradshw, Jr. teaches a method of controlling a multicall in a telecommunications system over a transmission path between a telecommunications network and a subscriber terminal, comprising:

setting up any new call in an existing multicall (e.g., 4-way conference - see column 4, line 23) over the transmission path between the telecommunications network and the subscriber terminal (e.g., path between the cell phone and the BTS which the cell phone camps on – see fig. 1), when a criterion is met (e.g., dialing, registering, authorizing, identifying,...), by setting up said new call on an existing bearer (e.g., channel, frequency) such that said existing bearer is shared by at least two calls (inherent in 4-way conference) of said multi calls of said subscriber terminal instead of by setting up said new call on a new bearer (see column 4, lines 22-24).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 5-6, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshw, Jr. (U.S. Patent No. 6,608,820) in view of Yuen et al. (U.S. Patent No. 4,757,493).

Regarding claims 2, 5-6, 19, Bradshw, Jr. teaches the claimed invention except that the decision whether the new bearer is required or whether said existing bearer is to be used is made by the network. However, the preceding limitation is taught in Yuen et al. (see column 1, lines 63-66). It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Yuen et al. to the teaching of Bradshw, Jr. to reduce channel distortion and to provide efficient traffic channel management.

6. Claims 3-4, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshw, Jr. (U.S. Patent No. 6,608,820) in view of Nowicki (U.S. Patent No. 5,369,692).

Regarding claims 3, 20, Bradshw, Jr. teaches the claimed invention except that the criterion is a preference of a user of the subscriber terminal. However, the preceding limitation is taught in Nowicki (see column 12, line 63 – column 13, line 10). It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Nowicki to the teaching of Bradshw, Jr. for providing multiple full-duplex conference calls without the necessity of a conference bridge or pilot tone generator.

Claims 4 and 21 are the combination of claims 1 and 3. Therefore, claims 4 and 21 are rejected with the same reasons set forth in claims 1 and 3.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshw, Jr. in view of Ho et al. (US 6,314,292 B1).

Regarding claim 7, Bradshw, Jr. teaches the claimed invention except allocating a dedicated bearer to the new call by a default by the network if a user does not indicate in the call setup any existing bearer to be used. However, the preceding limitation is taught in Ho et al. (see column 6, lines 48-58). It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Ho et al. to the teaching of Bradshw, Jr. to reduce the average time required for call setup.

8. Claims 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshw, Jr. in view of Fapojuwo (US 6,212,389 B1).

Regarding claims 8, 10, Bradshw, Jr. teaches the claimed invention except changing a call currently being on a shared bearer to use a new dedicated bearer. However, the preceding limitation is taught in Fapojuwo (see column 8, lines 6-10). It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Fapojuwo to the teaching of Bradshw, Jr. for efficient traffic channel management.

9. Claims 9, 11-12, 23, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bradshw, Jr. (U.S. Patent No. 6,608,820) in view of Hubbard (U.S. Patent No. 4,430,734).

Regarding claims 9, 11-12, 23, 26, Bradshw, Jr. teaches a method of controlling a multicall in a telecommunications system over a transmission path between a telecommunications network and a subscriber terminal, comprising:

setting up any new call in an existing multicall (e.g., 4-way conference - see column 4, line 23) over the transmission path between the telecommunications network and the subscriber terminal (e.g., path between the cell phone and the BTS which the cell phone camps on – see fig. 1), according to a criterion (e.g., dialing, registering, authorizing, identifying,...). Bradshw, Jr. does not specifically teach (i) setting up said new call on a new bearer. However, the preceding limitation is taught in Hubbard (see column 7, lines 30-32). It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Hubbard to the teaching of Bradshw, Jr. to balance system load.

10. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshw, Jr. (U.S. Patent No. 6,608,820) in view of Hubbard (U.S. Patent No. 4,430,734) and in further view of Hoogerwerf et al. (U.S. Patent No. 5,819,171).

Regarding claims 13-14, Bradshw, Jr. in view of Hubbard teaches the method according to claim 12 except that the method further comprises step of alternating the calls on a shared bearer between an active mode and said hold mode by a user. However, the preceding limitation is taught in Hoogerwerf et al. (Col. 3, lines 19-39). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the teaching of Hoogerwerf et al. to the teaching of Bradshw, Jr. and Hubbard to provide convenience and flexibility for users.

11. Claims 15-16, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshw, Jr. (U.S. Patent No. 6,608,820) in view of Hubbard (U.S. Patent No. 4,430,734) and in further view of Tuulos (US 5,625,879).

Regarding claims 16, 25, Bradshw, Jr. in view of Hubbard teaches the claimed invention except offering a new subscriber-terminal-terminating call to a user by means of a call waiting supplementary service only when a maximum number of the bearers allowed has been used by the multicall. However, the preceding limitation is taught in Tuulos (see the abstract). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the teaching of Tuulos to the teaching of Bradshw, Jr. in view of Hubbard to improve system capacity.

Claim 15 is the combination of claim 1 and 16. Therefore, claim 15 is rejected with the same reasons set forth in claims 1 and 16.

Allowable Subject Matter

12. Claim 17 has been rewritten in independent form including all of the limitations of base claim 1. Thus, claim 17 is now allowable.

Claim 22 has been rewritten in independent form including all of the limitations of base claim 18. Thus, claim 22 is now allowable.

Claim 24 has been rewritten in independent form including all of the limitations of base claim 18. Thus, claim 24 is now allowable.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2617

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JEAN GELIN
PRIMARY EXAMINER



Huy D Nguyen
Patent Examiner
Art Unit 2617